

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYE AARON DUNBAR,

Debtor.

FRITO-LAY, INC.,

Garnishee.

Case No. 1:22-MC-00148-SKO

**FINDINGS AND RECOMMENDATIONS FOR
FINAL ORDER OF CONTINUING
GARNISHMENT**

(Doc. 9)

Criminal Case No. 1:16-CR-00151-DAD-BAM

14-DAY DEADLINE

Clerk to Assign a District Judge

The Court, having reviewed its files and Plaintiff United States of America (“United States”)’s Request for Findings and Recommendations for Final Order of Continuing Garnishment, and good cause appearing, hereby recommends a Final Order of Continuing Garnishment be granted.

Accordingly, IT IS **RECOMMENDED** that:

1. The United States’ Request for Findings and Recommendations for Final Order of Continuing Garnishment (Doc. 9) be **GRANTED**;

2. Garnishee Frito-Lay, Inc., be directed to pay the Clerk of the United States District Court twenty-five percent (25%) of Debtor Kye Aaron Dunbar’s ongoing and non-exempt disposable earnings, including, but not limited to wages, earnings, commissions, and bonuses;

3. Garnishee Frito-Lay, Inc., be directed to pay the Clerk of the United States District Court the amount of non-exempt disposable earnings, including, but not limited to wages, earnings, commissions, and bonuses, already withheld as a result of the writ, within fifteen (15) days of the filing of the Final Order. Payment shall be made in the form of a check, money order, or company draft, made payable to the "Clerk of the Court" and delivered to:

Office of the Clerk
501 I St., Rm. 4-200
Sacramento, CA 95814

The criminal docket number (1:16-CR-00151-DAD-BAM) shall be stated on the payment instrument;

4. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the case, if necessary; and

5. The garnishment shall terminate when (1) the United States seeks to terminate the writ, or (2) when the judgment amount and litigation surcharge are fully satisfied.

The Clerk of Court is **DIRECTED** to assign a District Judge to this action.

These findings and recommendations are submitted to the United States District Judge assigned to the case pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). Within fourteen (14) days, after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections within the specified time may waive the right to appeal the District Court's order. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)); *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

The Court **DIRECTS** the United States to serve copies of this Order to Garnishee Frito-Lay, Inc. and to Debtor Kye Aaron Dunbar at their respective current or last known addresses.

IT IS SO ORDERED.

Dated: **December 6, 2022**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE